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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,830	12/07/2004	Ronen Lin	1874-4050	7206
27123	7590	05/16/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER STEELE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			1771	
			MAIL DATE	DELIVERY MODE
			05/16/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/516,830

Applicant(s)

LIN ET AL.

Examiner

Jennifer Steele

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 and 66-69 is/are pending in the application.
- 4a) Of the above claim(s) 55-65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants elect Group I, Claims 1-54 and 66-68 with traverse. Applicant's request that Claim 69 be examined with the product claims is accepted.
2. Applicants argue the Groups I and II "are not so linked as to form a single general inventive concept under PCT Rule 13.1". in that Groups I and II "lack the same or corresponding special technical features." The special technical feature of the invention is a reflective element and a reflective element was shown to be known in the art as referenced by Tsunefuji and therefore the reflective element is not a contribution to the art. Therefore the unity of invention is lacking and restriction is appropriate.

### ***Claim Rejections - 35 USC § 112***

3. Claim 50 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The written description does not describe the process where a reflective indicator is applied to the netting material in a substantially liquid form.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claim 1-50 and 52-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Tsunefuji (US 5,804,275). Mass teaches a knitted netting that is used in wrapping loads on pallets and bales of agricultural products (col. 1, lines 7-10). Mass teaches a knitted netting used in wrapping wherein the knitted netting is designed to minimize the transverse shrinkage of the netting (col. 1, lines 10-12). Mass teaches a knitted netting comprising longitudinal polyolefin ribbons and lateral polyolefin ribbons knitted with the longitudinal polyolefin ribbons to form a knitted netting (claim 1). Mass teaches a Raschel netting having longitudinal franzes and interconnecting shusses (col. 3 and 4). As to claims 38-40 and 43-49, Mass teaches a roll of netting for wrapping a bale of agricultural product and a bale is diagramed in Figure 8. Mass differs from the current application and does not teach a reflective ribbon or a reflective indicator strip.
- Tsunefuji teaches a fiber product having reflective threads and a reflective implement provided by using the fiber threads (ABST). The fiber products and reflective

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implements will reflect the incident light at night to provide safety (col. 13, lines 55-67).

Tsunefuji teaches fiber products such as woven fabric, a Jacquard woven fabric, a braided string, a knitted string, a twisted string and knitted lace (col. 13, lines 39-45).

Tsunefuji teaches implements made of the fiber products including a rope for use at night at a construction site, the forming implement for use in a variety of bags, the fastener loading tape, a button wrapping implement, a cover for a traffic safety sign, the implement for wrapping a fishing float, a ring buoy, a life jacket, a rain coat all of which reflect light at night to provide safety for the user (col. 13, lines 55-67).

Mass teaches a knitted netting for wrapping bales of agricultural products. Tsunefuji teaches a reflective fiber product that can be used in many products where being able to see the product at night is important. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a reflective indicator fiber product of Tsunefuji in the knitted netting of Mass motivated to produce a knitted netting that will be visible at night.

5. Claim 36 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Tsunefuji (US 5,804,275) and in further view of Wasserman (US 4,697,407). Mass in view of Tsunefuji teaches a netting for a bale of agricultural products with a reflective material. Mass in view of Tsunefuji does not teach a reflective material that is made reflective by the addition of reflective particles that are very small glass beads. Wasserman teaches a thread like continuous retroreflective fiber that is produced of a retroreflective material (ABST). Wasserman teaches a

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retroreflective material is produced of minute glass beads bonded in a flexible elastomeric material (claim 1). Wasserman teaches a retroreflective film and a fiber and yarn made from the retroreflective film (col. 2, lines 37-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a reflective material that is made with glass particles motivated by the reflective materials, fibers and yarn made from glass particles taught by Wasserman.

6. Claim 50 and 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Tsunefuji (US 5,804,275) and in further view of Chizmas (US 6,660,378). Mass in view of Tsunefuji differs from the current application and does not teach reflective indicator applied in liquid form as stated in claim 50 and does not teach a reflective tape as stated in claim 51. Chizmas teaches a glow-in-the-dark animal tie-out that is comprised of a rope with an outer layer having glow-in-the-dark properties (ABST). Chizmas teaches that the glow-in-the-dark outer surface comprises a coating chosen from the group consisting of a paint, a dye and a tape (claim 11). It would be obvious to one of ordinary skill in the art at the time the invention was made to use a night visible reflective tape or coating on a yarn or rope as taught by Chizmas in the invention of Mass motivated provide a netting with a component that has night time visibility.

7. Claim 66-69 rejected under 35 U.S.C. 103(a) as being unpatentable over Mass (US 6,521,551) in view of Tsunefuji (US 5,804,275). Mass in view of Tsunefuji does not

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teach reflection value of a least 30 and does not teach a 50 ft visibility. When the reference discloses all the limitations of a claim except a property or function, and the examiner cannot determine whether or not the reference inherently possesses properties which anticipate or render obvious the claimed invention the examiner has basis for shifting the burden of proof to applicant as in *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980). See MPEP §§ 2112- 2112.02

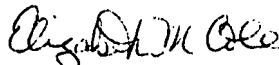
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Steele whose telephone number is (571) 272-7115. The examiner can normally be reached on Office Hours Mon-Fri 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ELIZABETH M. COLE  
PRIMARY EXAMINER

5/11/2007